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INTERNATIONAL BUSINESS MACHINES
CORPORATION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA—SAN JOSE DIVISION

MILLIE HSU,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION, and DOES 1 THROUGH
10, inclusive,

Defendants.

Case No. C 09-03506 JW

**PLAINTIFF MILLIE HSU'S AND
DEFENDANT INTERNATIONAL
BUSINESS MACHINES
CORPORATION'S STIPULATED
REQUEST FOR ORDER CHANGING
TIME AND [PROPOSED] ORDER**

Plaintiff Millie Hsu and Defendant International Business Machines Corporation, by and
through hereby submit the following Stipulation and [Proposed] Order:

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1 By Order dated September 15, 2010, this Court approved the Parties' Stipulation and
2 Order extending the deadline for the close of non-expert discovery from October 29, 2010 to
3 December 15, 2010. All other deadlines set by the Court remained unchanged.

4 To meet the discovery cut-off, the Parties have scheduled a series of six renoticed
5 depositions. Both Parties also have circulated final rounds of written discovery for which
6 responses remain pending. At the same time, the Parties have recently engaged in good faith
7 settlement negotiations; on the basis of these discussions, the Parties have agreed to private
8 mediation with retired California Court of Appeals Justice Harry Low. This mediation is
9 scheduled for November 22, 2010. The Parties both believe that the probability of settlement
10 would be greatly enhanced if they can suspend all pending discovery until after the mediation is
11 conducted. In brief, both Parties will have a greater incentive to settle if they can avoid incurring
12 the substantial discovery costs which must otherwise be undertaken prior to November 22nd.

13 Therefore, the Parties respectfully request that the Court again extend the cut-off date for
14 non-expert discovery from December 15, 2010 until January 14, 2011. This will enable the
15 Parties to suspend all discovery through the upcoming mediation, while reserving sufficient time
16 to complete discovery if for some reason the mediation fails to result in settlement.

17 The Parties do not request that any other pre-trial or trial dates be continued.

18 Good cause exists for the relief requested because it serves the interests of judicial
19 economy by promoting settlement discussions and would have no prejudicial impact on the
20 Parties or the Court.

21 IT IS SO STIPULATED.

22 DATED: October 22, 2010

MINAMI TAMAKI LLP

23
24 By /s /

25 Brad Yamauchi
26 Attorneys for Plaintiff
27 MILLIE HSU
28

DATED: October 22, 2010

JACKSON LEWIS LLP

By /S/

Mitchell F. Boomer

S. Christine Young

Attorneys for Defendant

INTERNATIONAL BUSINESS

MACHINES CORPORATION


[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that the deadline for non-expert discovery be extended until January 14, 2011.

In addition, the Court orders:

Dated: October 26, 2010



HONORABLE JAMES WARE
UNITED STATES DISTRICT COURT JUDGE

4849-7287-9623, v. 1